

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

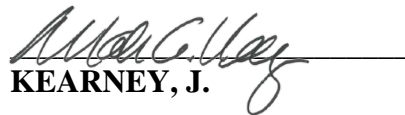
<b>ALLEN PRESBURY, SR</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 22-331</b>
	:	
<b>CORRECT CARE SOLUTION AKA WELL-PATH, CORRECTIONAL HEALTHCARE ADMINISTRATOR BRITNEY HUNER</b>	:	
	:	

**ORDER**

**AND NOW**, this 27<sup>th</sup> day of January 2023, upon considering Defendant Correct Care Solution, Inc.'s Motion to dismiss (ECF Doc. No. 43), Defendant Britney Huner's Motion to dismiss (ECF Doc. No. 44), having independently studied the allegations in the amended Complaint (ECF Doc. No. 35), and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. We **GRANT in part** and **DENY in part** Defendant Correct Care Solution, Inc.'s Motion (ECF Doc. No. 43) requiring Correct Care Solution, Inc. file an Answer to the pleaded *Monell* claims on or before **February 10, 2023** but otherwise confirming Plaintiff has not pleaded claims for respondeat superior liability or under the Equal Protection Clause; and,

2. We **GRANT** Defendant Huner's Motion (ECF Doc. No. 44) and dismiss the claims against her in her official capacity with prejudice and in her individual capacity without prejudice to Plaintiff filing an amended Complaint seeking to allege claims in her individual capacity under Federal Rule of Civil Procedure 15 including under a scheduling Order following an Initial Pretrial Conference.

  
**KEARNEY, J.**